

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DOMINIQUE HAIRSTON,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:21CV352

MEMORANDUM AND ORDER

This matter is before the court on Petitioner’s “Motion for Leave to Include Equitable Tolling.” (Filing 9.) Petitioner seeks to submit a document, attached as “Exhibit A” to his motion, in support of his argument that equitable tolling applies to avoid any statute of limitations bar. Upon consideration, the court will grant Petitioner’s motion and allow him to submit Exhibit A in support of his equitable tolling argument.

Also, upon its own motion, the court will direct the clerk of the court to substitute Scott R. Frakes as the sole proper respondent in this matter. Petitioner is in the custody of the Nebraska Department of Correctional Services (“NDCS”), and Frakes, the Director of the NDCS, is the official custodian of Petitioner.

IT IS THEREFORE ORDERED that:

1. Petitioner’s “Motion for Leave to Include Equitable Tolling” (filing 9) is granted.
2. The clerk’s office is directed to update the court’s records to reflect that Scott R. Frakes is the sole proper respondent in this action.

3. Petitioner is advised that he has until March 17, 2022, to file a brief in opposition to Respondent's Motion for Summary Judgment (filing 10). The clerk's office is directed to set a pro se case management deadline using the following text: **March 17, 2022**: check for Petitioner's brief in opposition to summary judgment motion.

Dated this 16th day of February, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge